

THE HARMAN FIRM, LLP

Attorneys & Counselors At Law
www.theharmanfirm.com

March 25, 2016

VIA ECF

The Hon. Ronald L. Ellis
United States Magistrate Judge
U.S. District Court for the Southern District of New York
40 Foley Square, Room 2203
New York, NY 10007

***Re: Jeanette Fernandez v. Mizu For Hair New York, LLC, d/b/a Mizu For Hair,
and Mizu For Hair LLC, d/b/a Mizu For Hair, 15 CV 00523 (RA)***

Dear Judge Ellis:

We represent Plaintiff Jeanette Fernandez in the above-referenced employment matter. We write on behalf of the Parties to respectfully inform the Court of the Parties' progress regarding discovery issues, as directed by the Court at the January 14, 2016 and March 23, 2016 Court telephone conferences.

Post-discovery conference. The Parties have a post-discovery conference scheduled before Judge Abrams on April 1, 2016, at 3:30 pm. The Parties will be filing a letter motion requesting a 60-day adjournment of that conference, consistent with the Court's directive in the March 23, 2016 Court conference.

Documents generated by Barbara Berry. On March 10, 2016, as indicated in Defendants' February 25, 2016 subpoena, Plaintiff produced to Defendants documents Bates numbered Berry00001 – Berry00004. Defendants note that of the four (4) documents produced by Ms. Berry, two (2) of the documents are handwritten and illegible. Plaintiff's counsel is working with Ms. Berry to produce a typed transcript of those pages but cannot state at this time when such a transcript will be complete.

On March 18, 2016, Defendants served Plaintiff with a notice to take Ms. Berry's deposition on April 12, 2016. On March 25, 2016, Ms. Berry responded to Plaintiff's counsels' messages and authorized them to represent her with respect to her deposition. The Parties presently are working together to find a mutually convenient date for her deposition, as Plaintiff's counsel will not be available on April 12.

Documents generated by SUNY Downstate Medical Center. Today, March 25, 2016, Defendants received correspondence from the third party records processor handling records requests for SUNY Downstate Medical Center University Hospital of Brooklyn that Defendants'

220 Fifth Ave., Suite 900
New York, New York 10001
T 212 425 2600 F 212 202 3926

request for Ms. Fernandez' medical records will be processed with no further objection. Defendants hope to receive the records within the next ten (10) days.

Discovery Issues in Dispute that the Parties will brief in full by March 31, 2016. As described in the Parties joint letter, dated March 24, 2016, the following issues are in dispute:

1. Plaintiff's First Notice of Discovery and Inspection to inspect Damian Santiago's, Vaughn Acord's, and Marisa Strafaci's electronic devices;
2. Defendants' First Notice of Discovery and Inspection to inspect Jeanette Fernandez's electronic devices; and
3. Subpoenas for documents and testimony from Antonio Berducci and Curls For Fun.

By March 31, 2016, the Parties will submit their briefings' on these issues.

Protective order. The Parties agreed on the form of a proposed Protective Order regarding confidential information generated in the litigation. On February 15, 2016, the Parties jointly submitted the same to this Court for approval. Court approval is pending. Both Parties have marked depositions as confidential.

Document request – authenticating an email Bates numbered D00000128. On March 8, 2016 at 6:53 pm, Plaintiff received an email that appeared to be written by Marisa Strafaci. Defendants represented that they would provide Plaintiff's counsel with verification stating that the email was indeed written and sent by Marisa Strafaci. Defendants had intended to provide this verification during the week of March 14, 2016; however, after being reminded by Plaintiff that this verification remained outstanding, Defendants advised Plaintiff that they would provide the verification shortly. It is Defendants' intention to provide the verification no later than April 1, 2016.

Thank you for your time and attention to this matter.

Respectfully submitted,



Walker G. Harman, Jr.

cc: Susan Roberts (via ECF)
Lori A. Jablczynski (via ECF)
Wendy Mellk (via ECF)